

REMARKS

The claims 1-22 are pending. The claims 18-22 are newly added. The indication of allowable subject matter in claims 5-7, 11, 12, and 14-17 is appreciated.

The non-final Office action mailed 4 December 2002 (Paper No. 4), as prepared by Examiner Tuyet Thi Vo, relies upon the following one reference.

U.S. Pat. No. 5,350,967

27 Sep. 1994

Chen

The status of the claims is as follows:

- Claims 1-4, 8-10, and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chen;
- Claims 5-7, 11, 12, and 14-17 stand objected to as being dependent upon a rejected base claim; and
- Claims 18-22 are newly added.

A. Claims 5-7, 11, 12, and 14-17

The U.S. Patent and Trademark Office (PTO) states that claims 5-7, 11, 12, and 14-17 would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims (Paper No. 4, paragraph 3, p. 3). The Applicants respectfully appreciate the indication of allowable subject matter in claims 5-7, 11, 12, and 14-17.

In this Response to Paper No. 4, the Applicants do not rewrite claims 5-7, 11, 12, and 14-17

in independent form because it is respectfully believed that all claims 1-17 set forth patentable subject matter without requiring any amendment. The Applicants respectfully request that the PTO hold the decision regarding claims 5-7, 11, 12, and 14-17 in abeyance until the PTO considers the remarks presented herein.

B. Claims 1 and 13

The claims 1 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chen. The Applicants respectfully traverse the rejection of independent claims 1 and 13 because Chen does not expressly or inherently describe the claimed control electrode having first hole regions, each one of the first hole regions including a first vertically elongated indented portion.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. Inc. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The claims 1 and 13 each set forth “a control electrode having first hole regions, each one of said first hole regions including a first vertically elongated indented portion.”

Chen discloses an inline electron gun arrangement for directing a number of electron beams on a phosphor-bearing inner screen of a cathode ray tube face plate. In the rejection of claims 1 and 13, the PTO alleges that “Chen discloses ... a control electrode (34) having first hole regions (54), each one of the first hole regions including a first rectangular elongated indented portion

(112) formed at an output side surface" (Paper No. 4, paragraph 2, p. 2).

Thus, the PTO is alleging that Chen's unit 112 expressly or inherently describes the vertically elongated indented portions set forth in claims 1 and 13. However, the Applicants respectfully submit that Chen's unit 112 fails to expressly or inherently describe the vertically elongated indented portions set forth in claims 1 and 13, because Chen clearly describes the unit 112 as being a **horizontally** oriented indentation 112 (see col. 9, lines 4-5). Furthermore, the Figure 7 of Chen clearly shows that the units 112 of the control grid 34 are "horizontally oriented" units 112. (A quick comparison of Chen's Figure 7 and the Applicants' Figure 3 also shows the difference between Chen's horizontally oriented portions 112 of control grid 34 and the Applicants' vertically elongated portions 101 of control electrode 32.)

Chen's **horizontally** oriented unit 112 fails to expressly or inherently describe the **vertically** elongated portion as set forth in claims 1 and 13. Furthermore, no other features of Chen describe the Applicants' vertically elongated indented portions in a control electrode.

"Anticipation under § 102 can be found only when the reference discloses exactly what is claimed." *Titanium Metals Corp. of America v. Banner*, 227 USPQ 773,777 (Fed. Cir. 1985). "Absence from the reference of any claimed element negates anticipation." *Kloster Speedsteel AB v. Crucible Inc.*, 230 USPQ 81, 84 (Fed. Cir. 1986). "Even if the prior art device performs all the functions recited in the claim, the prior art cannot anticipate the claim if there is any structural

difference" *Manual of Patent Examining Procedure* (MPEP) § 2114.

In view of the foregoing, the Applicants respectfully submit that Chen fails to anticipate the vertically elongated indented portions set forth in claims 1 and 13. Claims 2-12 depend from claim 1. Claims 14-17 depend from claim 13. Accordingly, because the § 102 rejection is respectfully believed to be improper, the Applicants respectfully request that claims 1-17 be allowed.

C. Claims 3, 8, and 9

The claims 3, 8, and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chen. The Applicants respectfully traverse the rejection of claims 3, 8, and 9 because Chen does not expressly or inherently describe the claimed first hole portion having one shape selected from among circular and vertically elongated.

The PTO *does not suggest* any feature of Chen that could possibly describe the first hole portions as set forth in claims 3, 8, and 9. Furthermore, the Applicants respectfully believe that no features of Chen describe the first hole portions as set forth in claims 3, 8, and 9.

The base claim 1 sets forth "a control electrode having first hole regions, each one of the first hole regions including a first vertically elongated indented portion ... and including a first hole portion formed in the first indented portion." The claim 3 sets forth "the first hole portion having one shape selected from among circular and vertically elongated." The Applicants respectfully

submit that Chen fails to describe a vertically elongated first hole portion as set forth in claim 3. Also, the Applicants respectfully submit that Chen fails to describe a rectangular first hole portion as set forth in claims 8 and 9.

The Applicants respectfully submit that no feature of Chen expressly or inherently describes the first hole portions set forth in claims 3, 8, and 9. The PTO does not identify any feature of Chen that expressly or inherently describes the first hole portions set forth in claims 3, 8, and 9.

The Applicants respectfully believe that the most important feature of Chen on this issue is aperture 114. However, the aperture 114 also fails to expressly or inherently describe the first hole portions of claims 3, 8, and 9. Chen describes a through-hole **circular** aperture 114 in the control grid 34 (see Figures 7-10, col. 9, lines 8-13). Chen does not describe a vertically elongated first hole portion or a rectangular first hole portion, as set forth in claims 3, 8, and 9.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. Inc. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

“Absence from the reference of any claimed element negates anticipation.” *Kloster Speedsteel AB v. Crucible Inc.*, 230 USPQ 81, 84 (Fed. Cir. 1986). “Even if the prior art device performs all the functions recited in the claim, the prior art cannot anticipate the claim if there is

any structural difference." MPEP § 2114.

In view of the foregoing, the Applicants respectfully submit that Chen fails to anticipate the first hole portions as set forth in the claims 3, 8, and 9. Claims 4-7 depend from claim 3. Accordingly, because the § 102 rejection is respectfully believed to be improper, the Applicants respectfully request that claims 3-9 be allowed.

D. Specification and References

In Paper No. 4, the PTO requests cooperation regarding correcting errors in the Specification (Paper No. 4, p. 2). The Applicants acknowledge this request and shall endeavor to correct any errors discovered. The Applicants respectfully believe that no further comment is needed at this time regarding this issue.

Numerous references were cited by the PTO but not utilized in the rejection of the claims (Paper No. 4, paragraph 5, p. 3). As recognized by the PTO, these references fail to teach or suggest the specifically recited features of the present invention and accordingly, the Applicants respectfully believe that no further comment on these references is necessary at this time.

E. New Claims 18-22

The Applicants have presented additional claims 18-22 to alternatively and more completely define Applicants invention and thereby assist the PTO by facilitating the examination and expediting a compact prosecution. Although Paper No. 4 did not address claims 18-22, the

Applicants desire to make a record as to why Chen does not anticipate them or make them obvious, in the interest of speedy and compact prosecution, and otherwise indicate why they are patentable.

Claims 18 and 19 are new dependent claims depending from claims 1 and 13, respectively. Claims 18 and 19 set forth "the first hole portion having one shape selected from among circular, vertically elongated, and square." The Applicants respectfully submit that Chen does not expressly or inherently describe "the first hole portion" as set forth in claims 18 and 19 depending from claims 1 and 13, respectively. Furthermore, the Applicants respectfully submit that Chen does not teach or suggest "the first hole portion" as set forth in claims 18 and 19 depending from claims 1 and 13, respectively.

The claim 20 is a new independent claim setting forth a first vertically elongated indented portion not described or taught by Chen. The dependent claims 21 and 22 set forth a first hole portion and screen electrode, respectively, which are not described or taught by Chen.

A fee of \$36.00 is incurred by the addition of two (2) total claims in excess of total 20. Applicant's check drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

In view of the above, it is submitted that the claims 1-22 of this Application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,



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